

Tortoise Take Resolution Options for Long Valley Land Exchange

Background:

It is possible that the Long Valley BLM land parcel proposed for exchange to Mr. Bob Brennan, has desert tortoise on it. Desert tortoises were recently discovered on the western edge of the parcel, and the area containing them has been removed from the proposed exchange parcel.

The area is considered habitat for the tortoise, however it is not designated critical habitat. Since the parcel is federally owned, it was not covered by the Washington County HCP and is not identified as a take area. Since this action is a federal action, section 7 consultation will be required and satisfied through the NEPA process. There will be a need to cover any take of tortoise that may occur as a result of this property being privatized and developed, even though better quality habitat is being acquired within the Reserve.

Options for accounting for any take that may occur when the property is developed:

1. BLM would be required to accept the responsibility of take and provide the mitigation required by USFWS in order for the proposal to go forward.
2. Since the property would become private upon completion of the exchange, the area could be designated as a new or expanded part of the St. George take area. This then would count toward the take of both habitat and animals already authorized in the HCP. The HCP provides for the modification of take area boundaries by the Administrator, when and if tortoises are found where previously unknown. This would require an official designation and documentation and potential adjustment of take within the HCP.
3. Since the area is obviously habitat, but not critical habitat, it could be considered potential habitat as identified in the HCP. This designation requires similar measures of clearance prior to development, however the habitat acreage is not counted against the HCP take allowed, but any tortoise located and removed would count against the HCP take of tortoise.

Each of these options would satisfy the need to account for any take of tortoise that may occur due to development of the property and give the BLM a basis on which to allow for the execution of the exchange.